

## COMMITTEE REPORT

**Date:** 28 November 2024      **Ward:** Rural West York  
**Team:** West Area      **Parish:** Upper Poppleton Parish Council

**Reference:** 23/01704/FUL  
**Application at:** Model Farm House The Green Upper Poppleton York YO26 6DP  
**For:** Construction of 1no. dwelling on land to the rear of Model Farm following demolition of Nissen huts and barn with associated access, landscaping and parking and restoration of existing pole barn.  
**By:** Mr Robin Garland  
**Application Type:** Full Application  
**Target Date:** 2 December 2024  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### The Site

1.1 The application site is Model Farm, located on Hodgson Lane within the Upper Poppleton Conservation Area. The site is a former agricultural holding and working farm. The Farmhouse and former barn buildings date from mid-eighteenth century, with nineteenth century extensions and twentieth century alterations which form a complex of Grade II listed buildings enclosing by a central courtyard. These associated buildings to the Farmhouse have been converted into residential use (c2018). Beyond these buildings is a croft field which is associated with Model Farm. The croft field is an unused area of grassed land and hosts a small hay barn and two dilapidated Nissen huts.

1.2 The site is within Flood Zone 1 (low flood risk).

#### The Proposal

1.3 This application seeks planning permission for the construction of 1no. detached single storey three-bedroom dwelling adjacent to the croft field following the demolition of the existing Nissen huts. The proposal includes a vehicle access to the property, private garden, and restoration of the existing small hay barn for car and cycle parking. An existing large pole barn within the curtilage of the courtyard will be restored and repaired where necessary with corrugated steel sheeting.

1.4 The application has been revised from the original proposal which sought planning permission to demolish the current buildings for the construction of 2no.

dwelling with separate areas for car parking and cycle storage. The revisions received for 1 no. dwelling addresses matters of noted harm on grounds of the impact to listed buildings, setting of the Conservation Area and neighbour amenity.

### Planning History

1.5 In terms of planning history, there has been several submissions for Listed Building Consent and Planning Permissions in relation to the Model Farmhouse and renovations of the former listed buildings to the front section of the site complex. The most relevant planning history relevant to this application is an application which was withdrawn for the construction of 5no. dwellings on the croft field after demolition of existing corrugated barns and Nissan huts (ref: 22/1467/FUL). The application was withdrawn on grounds of the harm to listed buildings, character and appearance of the Conservation Area and residential amenity.

### Ward Councillor call-in

1.6 Councillor Anne Hook has requested the application be determined by the Planning Committee in the event of Officer recommendation to approve the application. The grounds for the call-in are based upon the potential impact on heritage Assets (listed Model Farm and impact on the Conservation Area). Also concerns regarding car parking and cycle parking provisions, together with access and highway and pedestrian safety. Additional concerns are to the impact upon the pre-school nursery located within the adjacent (next door) Methodist Church on grounds of outlook and privacy.

## **2.0 POLICY CONTEXT**

### **Legislative Background**

2.1 The host building, Model Farm and associated buildings are grade II listed. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.2 The site is within the Upper Poppleton Conservation Area. The Local Planning Authority has a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

2.3 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

### **Planning Policy**

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## The Upper/Nether Poppleton Development Plan 2017 (PNP)

2.4 The Development Plan for the site is the Upper Poppleton and Nether Poppleton Neighbourhood Plan which came into force 19 July 2017. Policy PNP 4 (Village Design Statement) states that proposals for development within the villages of Upper Poppleton and Nether Poppleton will be supported where they bring forward high quality design appropriate to their character and appearance. The design statement has clear guidelines on development of buildings within Poppleton requires that new development should be mixed with a variety of design, type, size, scale, and materials to uphold the present juxtaposition of differing periods of development within the village. Also, the size, scale, and massing of buildings should harmonise with neighbouring properties and spaces. Also, that matching materials should be used wherever possible to blend in with existing buildings. All new developments within the settlement limits of the villages should respect the Design Guidelines.

## The National Planning Policy Framework (NPPF) December 2023

2.5 The NPPF and its planning policies are material considerations when determining planning applications. In Chapter 2 (Achieving Sustainable Development), paragraph 8 identifies that there are 3 objectives to achieving sustainable development – economic, social, and environmental.

2.6 In paragraph 139 of Section 12 (Achieving well-designed places), the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, considering any local design guidance and supplementary planning documents such as design guides and codes. Significant weight should be given to development which reflects local design policies and government guidance on design, considering any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

2.7 NPPF, Chapter 16 Conserving and enhancing the historic environment: paragraph 201 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 203 a) states that when determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of a heritage asset and putting them to viable uses consistent with their conservation.

2.8 NPPF, Chapter 16, paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

2.9 NPPF, Chapter 16, paragraph 207 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

2.10 NPPF, Chapter 16, paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### Draft Local Plan 2018

2.11 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. The plan has been subject to examination. Proposed modifications regarding Policy H5 (Gypsies and Travellers) have recently been subject to consultation. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.12 Policy D4: Conservation Areas states that development proposals within or affecting the setting of a conservation area will be supported where they; (i) are designed to preserve or enhance the special character and appearance of the conservation area and would enhance and better reveal its significance; (ii) respect important views; and (iii) are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

2.13 Policy D1(Placemaking) seeks to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment, and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused.

## **3.0 CONSULTATIONS**

### EXTERNAL

#### Upper Poppleton Parish Council.

3.1 The Parish have written in objection of the proposals for the following reasons:

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- The development will detract from the Poppleton VDS and Neighbourhood Plans, in terms of heritage protection and open green spaces.
- The proposed and existing residential development has increased in traffic with access to private drive and over common land.
- The City Council rule is no more than 5no. dwellings on private driveways. The Parish understands there are currently 4no. dwellings at Model Farm

### Ainsty Internal Drainage Board (IDB)

3.2 The Board requires further details of a satisfactory drainage scheme for separate foul and surface water and obtain any necessary consent from the Board before any commencement of development.

### Yorkshire Water

3.3 No objections subject to suitable conditions for separate foul and surface water drainage scheme.

### Conservation Area Advisory Panel

3.4 The Panel have no objections in principle. There are concerns over the design elements of the buildings. The Panel note that theoretically buildings will not be visible from outside of the site or within the listed setting and conservation area.

### York Civic Trust

3.5 The Trust support the principle of the development. The Trust acknowledge the land is not in the green belt and current structures are aesthetically intrusive and of low heritage value. The Trust have previously raised some concern to the limited garden, amenity spaces and parking which have been addressed with revised drawings.

## INTERNAL

### Design and Conservation (Conservation Officer)

3.6 The Conservation Officer considers that there is an improvement over the last scheme due to the change in respect of the replacement hay barn building, however, there would be remaining detrimental impacts from the further domestication of the former farmstead due to the creation of the single dwelling. This would result in a moderate level of harm to the significance of the historic farmstead, which incorporates listed buildings (due to impact on setting) and to the conservation area (due to impact on character and appearance), both falling within the less than substantial category.

### Design and Conservation (Landscape Architect)

3.7 The Landscape Architect has acknowledged two notable trees that could be affected by the proposed development - one Apple tree (T1 in the tree survey) and a mature Horse chestnut (T2) located close to the site boundary within the garden of the adjacent property, Green View. Both trees are located within Upper Poppleton conservation area. The proposed dwelling's main reception rooms are oriented towards an open aspect to the west and the front of the property and therefore there is no significant conflict with the Horse chestnut. The proposal does introduce a hard surface which should be of a porous, 'no-dig' construction, which appears to be feasible. A pre-commencement condition for a fully worked up AMS method statement is recommended in the event of planning permission being granted.

#### Design and Conservation (Ecology)

3.8 The Ecology Officer has confirmed based on the information supplied no objections subject to planning conditions for provision of biodiversity enhancements. Request an informative for the consideration of lighting and wildlife, and nesting birds.

#### Highway Network Management

3.9 Officers have advanced requests for further information on the matters of access and parking to the original submission. No further comments have been received following the submission of revised drawings.

#### Public Protection Unit

3.10 Public Protection Officer has confirmed no objections subject to relevant conditions to be submitted for approval Reporting of Unexpected Contamination and Provision for Electric Vehicle Recharge Points and an informative to regarding the Control of Pollution Act during construction.

#### Flood Risk Management

3.11 No objections to the proposed drainage for foul and surface water. However the drainage surface water soakaway calculations requires updating to include the proposed 300m<sup>2</sup> of hard paving/roof area being considered now.

### **4.0 REPRESENTATIONS**

#### Neighbour Notification and Publicity

4.1 There was a total of 43no. letters of objection, 7no. letters of support and 1no. general comment to the original submission for the construction of two dwellings and restoration of large pole barn.

4.2 There was a total of 13no. letters of objection to the first submission of revised plans for 1no. dwelling with car port and first floor office space and restoration of large pole barn.

4.3 There is a total of 10no. letters of objection and 1no. letter of support to this current application for determination by Committee B for one dwelling with restoration of small pole barn and restoration of large pole barn – comments as follows:

- Impact on Model Farm, historic references, and listed buildings
- Impact on Conservation Area and recognised St Andrews Church, adverse effect on the village green
- Non-compliance with VDS and Neighbourhood Plan
- Unsympathetic, obtrusive in scale and mass
- Cramped and incongruous
- Excessive and unsustainable car parking provision
- Domestication of green spaces
- Urbanisation of village green and failure to maintain the historic character of the conservation village
- Over development of site, non-compliance with approved planning permissions
- Erode the landscape qualities of the croft field
- Impact on ecology
- Impact on trees
- Inaccurate redline boundary illustrating ownership of the access from Hodgson Lane.
- Impact on highway safety
- Concerns over loss of privacy/overlooking and loss of outlook into the adjacent garden areas
- Inaccuracy of red line boundary the development site which includes land in owner ship of the adjacent garden areas
- Consider the AMS statement is inaccurate and fails to display the proximity and protection of the Horse Chestnut Tree which is sited on the joint boundary in proximity to the restoration of the pole barn for car and cycle parking

4.4 There is 1no. letter of support comments as follows:

- The current huts are beyond repair and need for urgent demolition before serious injury
- The development is behind other development and virtually out of sight to the green
- Does not interfere with neighbour amenity
- Adequate parking and no hinderance to general public

## Poppleton Neighbourhood Plan Committee

### 4.5 Objection to the application on the following grounds:

- The proposed new building would create an alien environment to the use of the historic site and erode the special landscape, views and already renovated Nationally Listed Grade II buildings. This would create substantial harm to the listed properties.
- Non-compliance with Neighbourhood Plan policies and no public benefits to support the application
- The proposed new building is over-sized in relation to the surrounding buildings. (larger than the adjacent Methodist Church Hall which is for community use)
- The cumulative impact of additional development on the former farmstead, which has already seen the conversion of the traditional farm buildings with associated changes to the landscaping, would not be acceptable. This would change the open access to the green space already in the Local Plan.
- The change of use of the land will restrict possible use of the field and all areas beyond the already converted agricultural buildings for the purpose of small-scale agriculture.
- The visual intrusion on the neighbouring garden of the Methodist Church, a community area for children, adults and church functions
- Increased traffic due to the increased occupancy of the farm development, these proposals allow for further car parking spaces and therefore related traffic movements, which is not acceptable.
- Revised plans continue to include land in residents' ownership mainly trees and hedgerows
- Repairs to the pole barns would only be acceptable if this was a permanent decision condition by planning department

## **5.0 APPRAISAL**

### 5.1 Key Issues

- Principle of Development
- Low Carbon and Sustainable Construction
- Design and Impact on Character and Appearance of the Conservation Area and the setting of listed buildings
- Neighbour Amenity
- Impact on Trees
- Access and Parking



- Flood Risk and Drainage
- Biodiversity
- Land Contamination

#### Principle of Development

5.2 Neighbourhood Plan policy PNP 6a (Housing) sets out policies for replacement and new dwellings within the curtilage of a domestic dwelling. The policy states that development will be supported where the proposals are in keeping with the character of surrounding development, safeguard residential amenity, are designed to provide appropriate garden amenity and appropriate levels of car parking and access to CYC parking standards. PNP2 states that the green infrastructure within and surrounding Upper Poppleton and Nether Poppleton as shown on the Policies Map will be safeguarded. Proposals for their enhancement will be supported. Development that would harm the integrity or appearance of the green infrastructure will not be supported.

5.3 The proposal is a single storey 3no. bedroom dwelling where the farmstead adjoins agricultural land. The design of the dwelling works with the scale and massing of the existing dilapidated Nissen huts and maintains a low height building. A new part-paved and grassed garden will be laid out around the dwelling, with access and provisions for car and cycle parking and storage within a converted hay barn. Overall, the proposal would provide acceptable accommodation for future occupants and would represent an appropriate use of the land subject to any other planning considerations meeting, in principle, the requirements of policy PNP6 of the Neighbourhood Plan. The development is not within land designated as Green Infrastructure in the Neighbourhood Plan.

5.4 In addition, the proposal is within a sustainable location, with access to a range of facilities available to the community and access to local primary and secondary schools. The village also has cycle paths, public transport and rail links into the city and other neighbouring towns.

#### Low Carbon Design and Construction

5.5 Policy PNP 11 of the Neighbourhood Plan states that new developments that exceed the building regulations regarding energy conservation and use renewable energy technology will be particularly supported. Additionally, the environmental objectives of the NPPF and in accordance with Draft Policy CC2 of the Draft Local Plan 2018 seeks that where viable any new dwelling shall achieve a reduction in carbon emissions of up to 75% compared to the target emission rate as required under Part L of the Building Regulations 2013.

5.6 The application proposes energy efficiency measures through heat pumps in conjunction with an airtight, well-insulated building structure and high-performance glazing. For greater water efficiency, greywater will be reclaimed for use in toilet flushing and rainwater harvested for garden, lawn and living wall maintenance.

These objectives required will be secured through a planning condition on any future planning permission.

### Design and Impact on Character and Appearance of the Conservation Area and the setting of listed buildings

5.7 The Neighbourhood Plan policy PNP3 states that all development should protect the open character and heritage assets of the village. Policy PNP 4 (Village Design Statement) states that proposals for development within the villages of Upper Poppleton and Nether Poppleton will be supported where they bring forward high quality design appropriate to their character and appearance. All new developments within the settlement limits of the villages should respect the Design Guidelines.

5.8 The Upper Poppleton Conservation Area character assessment states that the main elements of its character and appearance is an essentially rural village with a village green. The rural setting of the long medieval narrow plots to the south-east and north-west of the village core were included in the Upper Poppleton Conservation Area when the boundary was extended in December 2004. The houses are described as being attractive groups of vernacular buildings, which creates a cohesive overall character. Additionally, the quality of the village green, with its individual triangular shape and the subsidiary greens leading from it is a valuable focal point in an area that has undergone extensive suburban expansion.

5.9 The current proposal envisages a single storey detached dwelling. This will involve an arrangement of 2no. buildings similar to the form the existing Nissen huts of approximately 4.2 metres in height linked together with a flat green roof system construction of approximately 3.7 metres in height. The external appearance will include the use of corrugated steel roof covering, restoration of the small pole barn and York stone pavement surfacing material. The proposed dwelling would share a vehicle access from Hodgson Lane with the listed buildings within the Model Farm complex.

5.10 The site is beyond the brick farm buildings where 20<sup>th</sup> century buildings are present in the form of the Nissen huts, hay barn and a pole barn. Beyond this is the remaining croft field, which is valuable as a surviving remnant of the farmed landscape within the core of the village. The siting of the new dwelling would aesthetically and functionally introduce a domestic character with features that would inevitably accompany new housing eroding the spatial rural quality of the landscape setting of the Conservation Area. The legibility of the croft field is significant to the conservation area, being one of several medieval plots to the south-east and north-west that defines the landscape and setting of the rural character of the village.

5.11 In the context of the village setting the proposed development would be considered to cause harm to the character and appearance of the conservation area. The level of harm is considered to be moderate and less than substantial harm

in account of the recognised importance of the medieval croft field, its association with listed buildings of which would detract from the rural landscape character and appearance of the Conservation Area village setting. In mitigation of its impact the design of the building is innovative in design, mimicking the appearance of the Nissen huts and presenting a low profile building retaining the character of agricultural buildings. Views of the new dwelling from public land would be limited.

5.12 In terms of the impact on the listed buildings within the Model Farm complex, the submitted plans demonstrate a relatively low height dwelling and design influence of the current buildings in place and set back behind the large pole and at a distance from listed buildings fronting the site. Overall, the siting and appearance of the dwelling would have its own identity and be generally detached from the listed buildings. Also, it is intended that the small pole barn would be re-purposed and roofed for use as a car parking/cycle store, which is acceptable in principle and an appropriate way of retaining a building of age within the site. However, the proposal through domestication of the croft field, together with the additional hardstanding for vehicle access would lead to development that would undermine the rural landscape of the former farmstead and compromise the semi-open rural setting of listed buildings.

5.13 In conclusion, the proposal due its setting which has listed buildings would lead to harm of the historic farmstead through domestication of the croft field. The harm is considered as less than substantial harm at a moderate level of harm due to the scale and massing being in keeping with existing buildings and its design influence would retain the character of agricultural buildings.

5.14 In terms of adjacent buildings, Model Farm is next to Green View, a Grade II listed dwelling to the southeast and adjacent is All Saints Church and grounds, a grade II listed building. It is noted that by virtue of the low height and design of the new dwelling, together with the separation distances there would be no undue harm to the setting of these listed buildings.

5.15 The large pole barn is a post mounted frame vertical structure with wide horizontal roof angled roof scape centred within the listed complex. The restoration process will involve replacement aged rust effect corrugated metal sheeting to be fixed to areas of visible corrosion. The roof scape of the pole barn is visible from the village street at viewpoints between All Saints Church, and the residential dwelling Field View, together with some minor views from Hodgson Lane. The prospect of restoring the pole barn is acceptable in principle, subject to further material details secured through material pre-commencement condition and overall would preserve the character and appearance of the Conservation Area.

5.16 In terms of the harm acknowledged, planning legislation and policy contained in paragraph 208 of the NPPF is relevant when considering a development of less than substantial harm to heritage assets. Paragraph 208, states that where a development proposal will lead to less than substantial harm to the significance of a

designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In consideration of public benefits, the proposed development would make a small contribution to the housing supply providing a dwelling in a sustainable location and would result in the restoration of the pole barns to the benefit of the agricultural character of the Conservation Area. As such subject to planning conditions the public benefits to this scheme would outweigh the less than substantial harm to the setting of listed buildings and character and appearance of the Upper Poppleton Conservation Area.

### Impact on Neighbour Amenity

5.17 Policy PNP6a of the Neighbourhood Plan set out policies to safeguard the amenities of existing residential properties. Also, the NPPF states in Paragraph 135(f) states that developments should create places with a high standard of amenity for existing and future users. The policy advises that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life because of new development. Policy D1 of the Draft Local Plan states that development proposals will be supported where they demonstrate that the combined effect of new development does not dominate other buildings and spaces paying particular attention to adjacent buildings.

5.18 The Model Farm complex has 3no. dwellings and one residential annex which is a dwelling in association with the former Farmhouse. In the setting of the overall complex of building the proposal would create a total of 4no. dwellings on this site. The converted two storey former granary buildings are tall structures with upper floor window arrangements which generally overlook the garden of Model Farmhouse. The proposed dwelling will be sited some 30 metres from the existing residential part of the farm directly to the rear of the farmhouse. The angle of the proposed dwelling and proximity of existing buildings would not directly face on to the existing residential buildings, thus existing outside areas would not be compromised. Thus, overall is unlikely to have a negative impact on existing available outlook for the occupants.

5.19 In consideration of the adjacent neighbours at Green View (to the south of site). This dwelling is similar in design and scale to Model Farmhouse and has a large rear garden which sits parallel to the former agricultural land and location of the proposed development. The rear aspect of this property has been subject to rear extensions which are juxtaposed to the farmhouse and converted buildings. In this context the later extensions generally form some boundary enclosure between the sites. Moreover, the siting of the proposed dwelling is some distance from the direct outside habitable garden serving this dwelling. While some minor overlooking could occur, it will be quite oblique through the tree lined boundary treatment and only to the rear section of the garden.

5.20 The new dwelling would share a boundary with the pre-school Nursery which is an extended section of the Methodist Church and has gardens / play areas which run parallel to the siting of the new dwelling. The boundary wall which separates the pre-school Nursery is of a modest height, and the new dwelling would be visible when viewed from the garden and play area. The submitted drawings illustrates a new 2.0m high close-boarded timber fence which is sufficient to screen windows serving the bedroom and living room area and garden areas.

5.21 Overall, the siting, scale and mass of the proposal is unlikely to detract from direct neighbour amenity or introduce a poor residential environment for both the current and future occupants of the site. To safeguard neighbours from any future development it is considered appropriate to remove permitted development rights contained in Class A, Class AA (extensions and alterations) and Class E (detached building) of the General Permitted Development Order 2015 (as amended). Also, permitted development rights can be removed for the insertion of any new windows to the building to retain privacy for neighbours and the pre-school nursery.

### Impact on Trees

5.22 Policy GI4 of the Draft Local Plan 2018 requires that development provides protection for overall tree cover as well as for existing trees worthy of retention in the immediate and longer term, and with conditions that would sustain the trees in good health to maturity.

5.23 A landscape design has been prepared with the intention of retaining and enhancing the agricultural character while bringing together a high-quality design to the development. The report considers the scheme maintains the limited palette of hard landscape materials and peripheral vegetation present on Model Farm, namely the drove grey gravel, Indian sandstone, and York stone pavers to reflect the evolution of a typical farmyard and is softened by an embedded reinforced grass strip, reflecting a typical agricultural track. In addition, the proposals will include a natural interface between soft and hard landscape and pollinator-friendly planting, adding biodiversity along the courtyard walls, complementing the proposed house's green roof native wildflower and grass seed mix.

5.24 The Landscape Architect has acknowledged two significant trees that could be affected by the proposed development. An Apple tree and a mature Horse chestnut located close to the site boundary, within the garden of the adjacent property – Green View. Neither of the trees are currently subject to a tree preservation order (TPO), although they are both located within Upper Poppleton conservation area and as such contributes to its character and appearance. The protection of the existing trees within the site and adjacent to the site can be secured through a pre commencement condition for a complete and detailed Arboricultural Method Statement in the event of planning permission being granted.

### Access and Parking

5.25 The NPPF focuses development in sustainable and accessible locations allowing opportunities to promote sustainable transport modes. Paragraph 115, states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is reiterated in the Draft Local Plan Policy T1: Sustainable Access, which supports development that minimises the need to travel and maximises the use of more sustainable modes of transport.

5.26 The vehicle entry to the site is accessed by a driveway which connects to the highway at Hodgson Lane. The access is quite wide and includes a crossover from the highway. There have been concerns raised to the ownership of this access being Parish Council land. However, these issues are civil matters and not material planning considerations. Also, there is a narrow pedestrian pavement which is alongside the property frontage of this part of the Village Green which provides entry into the site. The proposal will result in additional vehicular comings and goings into the site through one access point. However, this is not likely to result in harm to highway safety or severe impacts on the road network.

5.26 The restoration of the small pole hay barn will accommodate space for 2no cars, cycles and bin storage which is considered acceptable for a three-bedroom property.

### Flood Risk and Drainage

5.27 Chapter 14 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere (Paragraphs 165 and 173). Policy ENV5 of the 2018 Draft Local Plan sets sustainable drainage requirements. In terms of surface water run-off, it requires the following, unless it is agreed such rates are not reasonably practical –

- Previously developed sites – 70% of existing run-off rates.
- New development on greenfield sites – run off rate shall be no higher than the existing rate prior to development taking place.

5.28 The site is in low-risk flood zone 1 and should not suffer from river flooding. The Site Plan shows foul water being connected to the existing foul water connection that serves the site which in turn connects to the public foul water sewer which is acceptable. The surface water is shown to connect to an existing soakaway. The principle of this arrangement would be acceptable; the details can be secured by condition.

### Biodiversity Enhancements

5.29 Paragraph 180d of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. The NPPF advises that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Draft Local Plan policies reflect this advice in relation to trees, protected species, and habitats.

5.30 The Application is accompanied by an updated Ecology Assessment including a Bat Survey and Tree Survey/Arboricultural Implications Assessment. It confirms the development will not impact the statutory and non-statutory designated nature conservation sites within the local area. This is in consideration of the five identified non-statutory sites within 2km of the Site.

5.31 In addition, a Bat Survey has been undertaken identifies evidence of bat activity within one of the Nissen huts and the pole barn and is concluded to be from foraging behaviour as opposed to roosting activity. A bat box within proximity to the site was also surveyed, the findings of which indicated that the bat box was used by low numbers of bats on an occasional basis. This box is to be retained as part of the development. In the context of other species habitats, the findings from the assessment were that no direct evidence of nesting of any local species were found amongst the site. The trees within and edging the site are considered suitable for foraging and nesting birds. The Arboricultural Implications Assessment confirms that no trees are required for removal to facilitate the development proposals. Some pruning will be required to facilitate the demolition of the existing Hay Barn and no dig construction of some of the proposed parking areas will be required where there is minor encroachment into the root protection areas.

5.32 A condition is recommended for biodiversity enhancement net gain.

### Land Contamination

5.33 Policy ENV2: “Managing Environmental Quality” of the Publication Draft Local Plan states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust, and light pollution without effective mitigation measures.

5.34 This site is located on land previously used for commercial agricultural purposes. In line with paragraph 189 of the NPPF, Public Protection Officers recommend conditions for a site investigation and risk assessment to be undertaken to ensure site is suitable for development taking account of ground conditions and any risk of land contamination.

## **6.0 CONCLUSION**

6.1 The application is in a sustainable and accessible location and in a predominantly residential area. The development is judged to lead to less than

substantial harm to the character and appearance of the Conservation Area and the setting of listed buildings in accordance with paragraph 208 of the NPPF, however this harm is considered to be outweighed by public benefits for its contribution to the housing supply in a sustainable location. In addition, the proposal is compatible in its relationship to neighbouring properties in so far that it would not appear overly intrusive and acceptable levels of outlook and privacy will be retained.

6.2 The proposal, therefore subject to conditions is considered to comply to sections 66 (1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, polices PNP4 and PNP6a of the Upper Poppleton and Nether Poppleton Neighbourhood Plan, the provisions of the National Planning Policy Framework and Policies D4 and D1 of the 2018 Draft Local Plan.

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Proposed Site plan (drawing number 1067.105 revision B); Proposed Floor plan (drawing number 1067.P110 revision A); Proposed Elevation plan 1 of 2 (drawing number 1067.P120 revision A); Proposed Elevation plan 2 of 2 (drawing number 1067.P121 revision A); Existing and Proposed Massing plan 1 of 2 (drawing number 1067.P130 revision A); Existing and Proposed Massing plan 2 of 2 (drawing number 1067.P131 revision A); Existing and Proposed hay Pole Barn (drawing number 1067.P410) dated June 2024; Pole Barn Schedule of Repairs REF: 1067 dated June 2024

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials, including the restoration of the large and small pole barn to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Due to limited storage space at our offices sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

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- 4 LC1 Land contamination - Site investigation
- 5 LC2 Land contamination - remediation scheme
- 6 LC3 Land contamination - remedial works
- 7 LC4 Land contamination - unexpected contamination

8 No development shall commence until a scheme for the provision of surface and foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. The agreed drainage works shall thereafter be in place prior to occupation of the dwelling.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding. This condition is required to be prior to commencement of development in order to ensure that adequate drainage provision is in place to serve the development so that there is no increase of flood risk on site or elsewhere within the site as a result of the works carried out at the site.

NOTE: The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology to the satisfaction of the Local Planning Authority.
- If the soakaway is proved to be unsuitable then peak run-off must be attenuated to 75% of the existing rate (based on 140 l/s/ha of connected impermeable area).

9 Before the commencement of development, a complete and detailed Arboricultural Method Statement (AMS) for existing trees within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations in the submitted arboricultural impact assessment. Amongst other information, this statement shall include a schedule of tree works if applicable; details and locations of protective fencing; phasing of protection measures; ground protection; site rules and prohibitions; location of site compound, parking arrangements for site vehicles, locations for stored materials, and locations and means of installing utilities; and specialist construction techniques where a change

in surface material and/or boundary treatment is proposed within the root protection area of existing trees. The content of the approved AMS shall be strictly adhered to throughout development operations. A copy of the AMS will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process for protecting the existing trees shown to be retained which are considered to make a significant contribution to the amenity and setting of the development and the conservation area.

10 The dwelling(s) hereby permitted shall achieve a reduction in carbon emissions of at least 75% compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Should the dwelling(s) not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018.

11 Prior to commencement of development a specification of biodiversity enhancements on the site; for example bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancements shall thereafter be implemented on the site prior to the occupation of the development hereby approved.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 185-188 of the NPPF (2023) to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, AA and E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the neighbour amenity and the character and appearance of the conservation area the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this

condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

13 The proposed new 2.0m high close boarded timber fence between points E-F on approved drawing 1067.P105 Revision B dated 27.06.2024 shall be constructed prior to the first occupation of the dwelling and shall be retained as approved for the lifetime of the approved development.

Reason: In the interests of the amenities of occupants of the adjacent pre-school nursery.

14 The large pole barn shall be repaired in accordance with the Fining Associates Architects Ltd document "Pole Barn Schedule of Repairs at Model Farm, The Green, Upper Poppleton, York, YO26 6DP" dated June 2024 before first occupation of the approved dwelling.

Reason: In the interests of the character and appearance of the conservation area.

15 Prior to the first occupation of the dwelling the initial 10m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site in accordance with the details shown on the approved site plan.

Reason: To prevent the egress of water and loose material onto the public highway and in the interests of the character and appearance of the conservation area.

16 The dwelling shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety and to promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application.

The Local Planning Authority established harm to heritage assists which could not be addressed through the submission of revised plans provided by the Architect. Therefore, it was concluded a positive outcome could not be achieved

## 2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

## 3. Informative regarding Electric Vehicle (EV) Charge Points

The Government's Electric Vehicle Homecharge Scheme' offers a grant to reduce the cost of installing a home electric vehicle charge point. For more information see the Office for Zero Emission Vehicles' (OZEV) website at:

<https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>. All electrical circuits/installations should comply with the electrical requirements in force at the time of installation.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as

amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August.

Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

5. When designing external lighting its potential impacts on light sensitive species should be considered. Direct lighting and light spill should be avoided where new roosting and nesting features are installed, on trees and 'green' linear features, such as hedgerows. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2018) Bats and artificial lighting in the UK guidance can be found through the link below.

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

**Contact details:**

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